

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on August 9, 2006

I. OPENING OF MEETING 11:00 A.M.—160 North LaSalle Street, Suite S-400, Chicago, IL

II. PRESENT

Jackie Gallagher, Chairman; Michael Coli, Member of the Board; Charles Hernandez, Member of the Board; Michael Hade, Member of the Board; Rex Piper, Member of the Board; John F. Brosnan, Executive Director; Jacalyn J. Zimmerman, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 6, 2006

Chairman Gallagher called for approval of the minutes of the June 6, 2006 meeting. Member Piper made a motion for approval of the minutes. Member Hade seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to present the State Panel administrative actions for the period of time from June 1 through July 31, 2006. He distributed the report to the Board for review, and the Board examined it. The Executive Director summarized the report's highlights, noting that during the two months, the agency issued one certification pursuant to election petitions, twenty-three certifications pursuant to majority interest petitions, six certifications pursuant to unit clarification petitions, and one certification pursuant to a directed unit clarification. The agency also received withdrawals in connection with five representation petitions, and the agency's Administrative Law Judges (ALJs) issued Recommended Decisions and Orders (RDOs) in two representation cases. The Executive Director also noted that with regard to unfair labor practice cases, the agency issued twenty complaints for hearing and seventeen administrative dismissals, four partial dismissals, had twenty-nine charges withdrawn, and the agency's ALJs issued RDOs in two unfair labor practice cases.

V. BOARD ACTIONS

1. S-CA-05-010

Alton Firefighters Association, IAFF Local 1255/City of Alton

The Board modified the agenda so that this case could be heard first, rather than as the first item under Executive Director's Dismissals and Orders. General Counsel Zimmerman recused herself from this case and in her stead, Administrative Law Judge Ellen Strizak acted as general counsel to the Board. Acting-General Counsel Strizak presented the case, noting that the Executive Director issued a Dismissal on May 1, 2006, with an appeal filed. The Acting-General Counsel recommended that the Board defer to the underlying arbitration award and affirm the Executive Director's dismissal. Member Hade made a motion to accept the recommendation of the Acting-General Counsel. Member Piper seconded the motion, and the Board passed it unanimously, by a voice vote.

2. S-CA-04-166

International Association of Fire Fighters, Local No. 49/City of Bloomington

General Counsel Zimmerman began by summarizing the case, noting it presents the exact issue the Board decided in the Libertyville matter, wherein it found that the Fire Department Promotion Act made the complained-of conduct a mandatory subject of bargaining. The Administrative Law Judge reached the

same result as in Libertyville, concluding that he was bound by that decision. The General Counsel recommended that the Board find Libertyville controlling, grant the traditional remedy of restoration of the status quo, and deny the Union's request for sanctions. Member Hade made a motion to accept the General Counsel's recommendation. Member Hernandez seconded the motion, and the Board passed it unanimously, by a voice vote.

3. S-CA-04-044

Service Employees International Union, Local 73/Sarah D. Culbertson Memorial Hospital

General Counsel Zimmerman began by summarizing the case, noting that the Administrative Law Judge dismissed the complaint, finding it without merit. The General Counsel agreed with the Administrative Law Judge's recommendation, finding that the Respondent Employer conducted itself as it would have had there been no organizing effort by the Union, and recommended that the Board uphold it. Member Piper made a motion to accept the General Counsel's recommendation. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote.

4. S-CA-05-092

Service Employees International Union, Local 73/City of East St. Louis (Public Library)

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

5. S-CA-06-071

Waukegan Firefighters, IAFF, Local 473/City of Waukegan (Fire Department)

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

6. S-UC-06-014

Village of New Baden/International Union of Operating Engineers, Local 148

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

7. S-RC-06-169

Village of Winfield/Metropolitan Alliance of Police, Winfield Patrol Officers, Chapter No. 477/Illinois Council of Police and Sheriffs, Local No. 7

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

8. S-CA-04-249

Bridgeview Fire Fighters Alliance, Local 4330/Village of Bridgeview

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

9. S-RC-06-064

International Union of Operating Engineers, Local No. 965/Village of Pleasant Hill

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

10. S-CA-04-112

American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services

General Counsel Zimmerman began by summarizing the case, noting that the Executive Director issued a Dismissal on May 1, 2006, with an appeal filed. Member Piper moved that the Board accept the General Counsel's recommendation to uphold the dismissal. Member Hernandez seconded the motion, and the Board passed it unanimously, by a voice vote.

11. S-CA-05-215

Cicero Firefighters, IAFF, Local No. 717/Town of Cicero (Fire Department)

General Counsel Zimmerman began by summarizing the case, noting that the Executive Director issued a Dismissal on May 1, 2006, with an appeal filed. The General Counsel recommended that the Board remand the case to investigate the factual dispute concerning the training officer's job description issue. Member Piper moved that the Board accept the General Counsel's recommendation to remand the dismissal to the Executive Director for further investigation. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote.

VI. OTHER BOARD MATTERS

The Chairman noted that there was nothing to report regarding legislative matters, and the fiscal report was discussed during the earlier joint panel meeting. The Board then discussed whether there was a need for executive session, concluding it was not necessary at this time.

VII. ADJOURNMENT

Chairman Gallagher called for a motion to adjourn. Member Piper made a motion to adjourn the meeting. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote.

Adopted and approved by the Chairman and Members of the State Panel of the Illinois Labor Relations Board, in Chicago, Illinois, this 12th day of September, 2006.